



General Assembly

February Session, 2016

***Raised Bill No. 5486***

LCO No. 2197



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

***AN ACT PROHIBITING ZONING COMMISSIONS FROM REQUIRING  
SPECIAL PERMITS OR SPECIAL EXCEPTIONS FOR USES MADE  
NONCONFORMING BY NEW ZONING REGULATIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-2 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) The zoning commission of each city, town or borough is  
4 authorized to regulate, within the limits of such municipality, the  
5 height, number of stories and size of buildings and other structures;  
6 the percentage of the area of the lot that may be occupied; the size of  
7 yards, courts and other open spaces; the density of population and the  
8 location and use of buildings, structures and land for trade, industry,  
9 residence or other purposes, including water-dependent uses, as  
10 defined in section 22a-93, and the height, size and location of  
11 advertising signs and billboards. Such bulk regulations may allow for  
12 cluster development, as defined in section 8-18. Such zoning  
13 commission may divide the municipality into districts of such number,  
14 shape and area as may be best suited to carry out the purposes of this

15 chapter; and, within such districts, it may regulate the erection,  
16 construction, reconstruction, alteration or use of buildings or  
17 structures and the use of land. All such regulations shall be uniform  
18 for each class or kind of buildings, structures or use of land throughout  
19 each district, but the regulations in one district may differ from those  
20 in another district, and may provide that certain classes or kinds of  
21 buildings, structures or uses of land are permitted only after obtaining  
22 a special permit or special exception from a zoning commission,  
23 planning commission, combined planning and zoning commission or  
24 zoning board of appeals, whichever commission or board the  
25 regulations may, notwithstanding any special act to the contrary,  
26 designate, subject to standards set forth in the regulations and to  
27 conditions necessary to protect the public health, safety, convenience  
28 and property values. Such regulations shall be made in accordance  
29 with a comprehensive plan and in adopting such regulations the  
30 commission shall consider the plan of conservation and development  
31 prepared under section 8-23. Such regulations shall be designed to  
32 lessen congestion in the streets; to secure safety from fire, panic, flood  
33 and other dangers; to promote health and the general welfare; to  
34 provide adequate light and air; to prevent the overcrowding of land; to  
35 avoid undue concentration of population and to facilitate the adequate  
36 provision for transportation, water, sewerage, schools, parks and other  
37 public requirements. Such regulations shall be made with reasonable  
38 consideration as to the character of the district and its peculiar  
39 suitability for particular uses and with a view to conserving the value  
40 of buildings and encouraging the most appropriate use of land  
41 throughout such municipality. Such regulations may, to the extent  
42 consistent with soil types, terrain, infrastructure capacity and the plan  
43 of conservation and development for the community, provide for  
44 cluster development, as defined in section 8-18, in residential zones.  
45 Such regulations shall also encourage the development of housing  
46 opportunities, including opportunities for multifamily dwellings,  
47 consistent with soil types, terrain and infrastructure capacity, for all  
48 residents of the municipality and the planning region in which the

49 municipality is located, as designated by the Secretary of the Office of  
50 Policy and Management under section 16a-4a. Such regulations shall  
51 also promote housing choice and economic diversity in housing,  
52 including housing for both low and moderate income households, and  
53 shall encourage the development of housing which will meet the  
54 housing needs identified in the state's consolidated plan for housing  
55 and community development prepared pursuant to section 8-37t and  
56 in the housing component and the other components of the state plan  
57 of conservation and development prepared pursuant to section 16a-26.  
58 Zoning regulations shall be made with reasonable consideration for  
59 their impact on agriculture, as defined in subsection (q) of section 1-1.  
60 Zoning regulations may be made with reasonable consideration for the  
61 protection of historic factors and shall be made with reasonable  
62 consideration for the protection of existing and potential public surface  
63 and ground drinking water supplies. On and after July 1, 1985, the  
64 regulations shall provide that proper provision be made for soil  
65 erosion and sediment control pursuant to section 22a-329. Such  
66 regulations may also encourage energy-efficient patterns of  
67 development, the use of solar and other renewable forms of energy,  
68 and energy conservation. The regulations may also provide for  
69 incentives for developers who use passive solar energy techniques, as  
70 defined in subsection (b) of section 8-25, in planning a residential  
71 subdivision development. The incentives may include, but not be  
72 limited to, cluster development, higher density development and  
73 performance standards for roads, sidewalks and underground facilities  
74 in the subdivision. Such regulations may provide for a municipal  
75 system for the creation of development rights and the permanent  
76 transfer of such development rights, which may include a system for  
77 the variance of density limits in connection with any such transfer.  
78 Such regulations may also provide for notice requirements in addition  
79 to those required by this chapter. Such regulations may provide for  
80 conditions on operations to collect spring water or well water, as  
81 defined in section 21a-150, including the time, place and manner of  
82 such operations. No such regulations shall prohibit the operation of

83 any family child care home or group child care home in a residential  
84 zone. No such regulations shall prohibit the use of receptacles for the  
85 storage of items designated for recycling in accordance with section  
86 22a-241b or require that such receptacles comply with provisions for  
87 bulk or lot area, or similar provisions, except provisions for side yards,  
88 rear yards and front yards. No such regulations shall unreasonably  
89 restrict access to or the size of such receptacles for businesses, given  
90 the nature of the business and the volume of items designated for  
91 recycling in accordance with section 22a-241b, that such business  
92 produces in its normal course of business, provided nothing in this  
93 section shall be construed to prohibit such regulations from requiring  
94 the screening or buffering of such receptacles for aesthetic reasons.  
95 Such regulations shall not impose conditions and requirements on  
96 manufactured homes having as their narrowest dimension twenty-two  
97 feet or more and built in accordance with federal manufactured home  
98 construction and safety standards or on lots containing such  
99 manufactured homes which are substantially different from conditions  
100 and requirements imposed on single-family dwellings and lots  
101 containing single-family dwellings. Such regulations shall not impose  
102 conditions and requirements on developments to be occupied by  
103 manufactured homes having as their narrowest dimension twenty-two  
104 feet or more and built in accordance with federal manufactured home  
105 construction and safety standards which are substantially different  
106 from conditions and requirements imposed on multifamily dwellings,  
107 lots containing multifamily dwellings, cluster developments or  
108 planned unit developments. Such regulations shall not prohibit the  
109 continuance of any nonconforming use, building or structure existing  
110 at the time of the adoption of such regulations. Such regulations shall  
111 not require a special permit or special exception for the continuance of  
112 any such nonconforming use, building or structure. Such regulations  
113 shall not provide for the termination of any nonconforming use solely  
114 as a result of nonuse for a specified period of time without regard to  
115 the intent of the property owner to maintain that use. Any city, town  
116 or borough which adopts the provisions of this chapter may, by vote of

117 its legislative body, exempt municipal property from the regulations  
118 prescribed by the zoning commission of such city, town or borough;  
119 but unless it is so voted municipal property shall be subject to such  
120 regulations.

121 (b) In any municipality that is contiguous to Long Island Sound the  
122 regulations adopted under this section shall be made with reasonable  
123 consideration for restoration and protection of the ecosystem and  
124 habitat of Long Island Sound and shall be designed to reduce hypoxia,  
125 pathogens, toxic contaminants and floatable debris in Long Island  
126 Sound. Such regulations shall provide that the commission consider  
127 the environmental impact on Long Island Sound of any proposal for  
128 development.

129 (c) In any municipality where a traprock ridge, as defined in section  
130 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located  
131 the regulations may provide for development restrictions in ridgeline  
132 setback areas, as defined in said section. The regulations may restrict  
133 quarrying and clear cutting, except that the following operations and  
134 uses shall be permitted in ridgeline setback areas, as of right: (1)  
135 Emergency work necessary to protect life and property; (2) any  
136 nonconforming uses that were in existence and that were approved on  
137 or before the effective date of regulations adopted under this section;  
138 and (3) selective timbering, grazing of domesticated animals and  
139 passive recreation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	8-2

***Statement of Purpose:***

To prohibit municipal zoning regulations from requiring a special permit or special exception for the continuance of a nonconforming use, building or structure.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*